

REMARKS

In accordance with the foregoing, claims 56-59 have been cancelled without prejudice or disclaimer, thus claims 60-63 are now pending and under consideration. No new matter is included in this amendment.

The 35 U.S.C. §102(b) Rejection:

At page 2 of the Office Action, claims 56-63 are rejected under 35 U.S.C. §102(b) as being anticipated by WO98/13823. Claims 56-59 have been cancelled without prejudice or disclaimer, thus the rejection of claims 56-59 is moot.

WO98/13823 does not disclose a "a wobble signal determiner which determines whether the wobble signal corresponds to a land or a groove based on determining a phase of the wobble signal and which of the first and second light signals includes the wobble signal," as recited in claims 60 and 61.

WO98/13823 does not disclose a method comprising "determining whether the wobble signal corresponds to a land or a groove based on determining a phase of the wobble signal and which of the first and second light signals includes the wobble signal," as recited in claims 62 and 63.

A copy of a U.S. Patent 6,621,772 is provided herewith. The figures in the '772 patent correspond respectively to the figures in the WO98/13823 and include translations of the Japanese characters. The specification of the '772 patent is believed to be a translation of the specification of PCT/JP97/02442 on which WO98/13823 is based.

Conclusion:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 2/18/04

By: John H. Stowe
John H. Stowe
Registration No. 32,863

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501